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BRIAN GUTHRIE and GRADY LEE HARRIS, JR.

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

BRIAN GUTHRIE and GRADY LEE HARRIS,
 JR., on behalf of themselves and all others
 similarly situated,

Plaintiffs,

vs.

TRANSAMERICA LIFE INSURANCE
 COMPANY,

Defendant.

Case No. 3:21-cv-04688-WHO

**AMENDED STIPULATION AND
 ORDER REGARDING BRIEFING
 SCHEDULE ON MOTIONS TO
 REMAND, TRANSFER AND DISMISS
 (L.R. 6-1 AND 6-2)**

Pursuant to Northern District of California Civil Local Rules 6-1(b) and 6-2, Plaintiffs Brian Guthrie and Grady Lee Harris, Jr. ("Plaintiffs") and Defendant Transamerica Life Insurance Company ("TLIC"), by and through their undersigned counsel of record, hereby stipulate and agree that, subject to the Court's approval, the Court set a briefing schedule on Plaintiffs' Motion to Remand, DKT No. 16, and set a contingent filing schedule for TLIC's anticipated motion to transfer this case to the Central District of California, and anticipated TLIC's motion to dismiss the Complaint, as follows:

WHEREAS, TLIC removed this case to Federal court on June 18, 2021, DKT No. 1;

WHEREAS, on June 24, 2021, the Parties filed a Stipulation to Extend the Time for TLIC to Respond to the Complaint, DKT No. 10;

WHEREAS, the Stipulation extended the time for TLIC to move, plead or otherwise respond to the Complaint to August 24, 2021, DKT No. 10;

WHEREAS, on July 14, 2021, Plaintiffs filed a Motion to Remand this case to State court that is scheduled for a hearing on September 8, 2021, DKT No. 16;

WHEREAS, if the Motion to Remand is denied, TLIC intends to file a motion to transfer this case to the United States District Court for the Central District of California (the "Transfer Motion");

1 WHEREAS, once the issue of transfer is settled and the Parties have certainty as to the court
 2 in which the case will proceed, TLIC also intends to file a Rule 12 motion to dismiss the Complaint
 3 (the “Rule 12 Motion”);

4 WHEREAS, in the interests of judicial economy and to preserve the Court’s and the Parties’
 5 resources, the Parties agree that the Motion to Remand should be briefed and ruled on before TLIC
 6 files its Transfer Motion, and that TLIC’s Transfer Motion should be briefed and ruled on before
 7 TLIC files its Rule 12 Motion;

8 WHEREAS, the Parties agree TLIC shall respond to the Motion to Remand by August 11,
 9 2021, and Plaintiffs shall file their reply brief by August 25, 2021. This schedule is necessary in
 10 light of the vacation schedules of counsel and to provide TLIC sufficient time to fully address the
 11 issues raised by the Motion to Remand;

12 WHEREAS, the Parties agree that in the event the Motion to Remand is denied, TLIC shall
 13 file its Transfer Motion within 28 days following the Court’s Order denying the Motion to Remand;

14 WHEREAS, the Parties further agree that TLIC shall file its Rule 12 Motion within 28 days
 15 following the Court’s Order on TLIC’s Transfer Motion;

16 WHEREAS, there has been one prior modification to the case in the Stipulation extending
 17 the time TLIC has to move, plead, or otherwise respond to the Complaint, DKT No. 10; and

18 WHEREAS, there is not currently a scheduling order for this case so it will have no effect
 19 on the schedule for the case.

20 STIPULATION

21 IT IS HEREBY STIPULATED AND AGREED between Plaintiffs and TLIC, through their
 22 respective counsel of record, that:

- 23 (i) TLIC’s August 24, 2021 responsive pleading deadline is stricken;
- 24 (ii) TLIC shall file an Opposition to the Motion to Remand on or before August 11, 2021,
- 25 Plaintiffs shall file their Reply Brief in Support of the Motion to Remand on or before

August 25, 2021. A hearing on the Motion to Remand is currently set for September 8, 2021;

(iii) If Plaintiffs' Motion to Remand is denied, TLIC shall file its Transfer Motion within 28 days of the Court's Order on the Motion for Remand; and

(iv) If Plaintiffs' Motion to Remand is denied, TLIC shall file its Rule 12 Motion within 28 days of the Court's Order on the Motion to Transfer.

IT IS SO STIPULATED.

Dated: July 20, 2021

COZEN O'CONNOR

By: /s/ Valerie D. Rojas

Valerie D. Rojas

Michael Rafalko (*Pro Hac Vice to be Filed*)

Wendy Enerson (*Pro Hac Vice to be Filed*)

Attorneys for Defendant

TRANSAMERICA LIFE INSURANCE COMPANY

Dated: July 20, 2021

FEINSTEIN DOYLE PAYNE & KRAVEC,
LLC

By: /s/ Wyatt A. Lison

Wyatt A. Lison

Joseph N. Kravec, Jr. (*Pro Hac Vice to be Filed*)

Attorneys for Plaintiffs BRIAN GUTHRIE and

GRADY LEE HARRIS, JR and the Proposed Class

Dated: July 20, 2021

BLAKEMAN LAW

By: /s/ Benjamin Blakeman

Benjamin Blakeman

Attorneys for Plaintiffs BRIAN GUTHRIE and

GRADY LEE HARRIS, JR

1 PURSUANT TO STIPULATION, IT IS SO ORDERED

2
3 Dated: July 21, 2021



William H. Orrick
United States District Judge

SIGNATURE ATTESTATION

Pursuant to the Northern District of California's Local Rule 5-1(i)(3), I attest that concurrence in the filing of the document has been obtained from each of the other Signatories.

DATED: July 20, 2021

COZEN O'CONNOR

By: /s/ Valerie D. Rojas
Valerie D. Rojas